



OFFICE OF
THE SECRETARY

Federal Communications Commission
Washington

DOCKET FILE COPY ORIGINAL

February 14, 1994

Honorable Harry Reid
United States Senate
Washington, D. C. 20510-2803

Re: MM Docket No. 93-279
RM-8368

Dear Senator Reid:

Thank you for your letter dated December 28, 1993, concerning the petition for rule making filed by Richard W. Myers requesting the allotment of Channel 285A to Cal-Nev-Ari, Nevada as its first local aural transmission service.

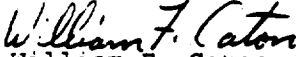
Your letter was forwarded to the Office of the Managing Director for reply in keeping with the Commission's ex parte rules, which deal with communications relative to all "restricted" proceedings under consideration by the Commission. The Managing Director asked me to respond on his behalf.

The ex parte rules require service on all parties of filings addressing the merits or outcome of restricted proceedings. Because the proceeding is a contested rulemaking proceeding involving the allotment of a channel in the radio broadcast service, the proceeding is considered "restricted" and remains so until such time as a Commission decision is made and is no longer subject to reconsideration or review by the Commission or the courts. See 47 CFR Section 1.1208(c)(2).

In accordance with FCC Rules as found in 47 CFR Section 1.1212(e), I have, by copies of this letter, provided notice and disclosure of your communication to all parties to this proceeding. Additionally, this letter and your communication have been placed in a public file associated with (but not made a part of) the record in the proceeding. See 47 CFR Section 1.1212(d).

You may be assured that the Commission will closely examine all evidence in the record in order to determine which course of action will best serve the public interest, convenience, and necessity.

Sincerely,


William F. Caton
Acting Secretary

cc: Peter Tannenwald, Esq.
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12-28-93 02:31PM FROM SENATOR HARRY REID

CROCKETT & MYERS
TO 317023848102

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HARRY REID
NEVADA**United States Senate**

WASHINGTON, DC 20510-2803

December 28, 1993

William F. Caton
Acting Administrator
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: MM Docket No. 93-279
FM Table of Allotments, Cal-Nev-Ari, Nevada

Mail Stop 1170

Dear Mr. Caton:

I have reviewed the Commission's Notice of Proposed Rule Making in the above referenced proceeding, DA-1265, released November 12, 1993, where a question has been raised as to whether Cal-Nev-Ari is a "community" for licensing purposes under the Communications Act.

In ruling on this matter, the Commission should take into account the difference between Nevada, one of the nation's least densely populated states, and other more densely populated states where the Commission may have found in the past that very small groupings of people do not constitute a legally cognizable "community." In Nevada, there are many remote places where only a few hundred people may live, but even though there may not be a large enough nucleus to support multiple community institutions and organizations, the people have the same ties binding them together as in any other town or city -- perhaps even closer ties since people in a small community are often highly dependent on one another in emergency situations.

In a community such as Cal-Nev-Ari, the local restaurant or casino serves as a gathering place and not only provides economic support but also fulfills the function that social and civic clubs would fulfill in a larger community. The fact that social and economic functions are combined in one place does not make them any less meaningful.

I doubt that it was ever the intent of Congress in the Communications Act to penalize the residents of a place like Cal-Nev-Ari by depriving them of a local radio station just because they are few in number and located in a rural area. Cal-Nev-Ari is an entity in itself and is not attached to or part of any

12/29/93 14:48 FAX 702 384 8102
12-28-93 02:31PM FROM SENATOR HARRY REID

CROCKETT & MYERS
TO 317023848102

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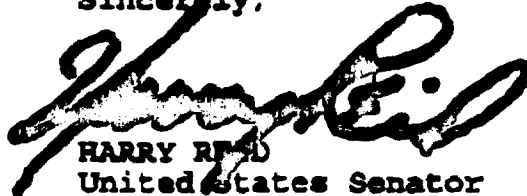
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larger community. Clark County extends from the major city of Las Vegas all the way to the Arizona border and cannot be said to be a single "community." To say that Cal-Nev-Ari is not a "community" would be to ignore the validity of rural communities in the western states.

I welcome the desire of a responsible citizen to build a radio station to serve Cal-Nev-Ari, and I urge the Commission to look favorably on the proposal.

Sincerely,



HARRY REID
United States Senator

HMR:jmf